

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
November 10, 2011

In the Matter of BROWN/WILLIAMS, Minors.

No. 303419
Wayne Circuit Court
Family Division
LC No. 08-480954

Before: SERVITTO, P.J., and CAVANAGH and STEPHENS, JJ.

MEMORANDUM.

Respondent appeals of right from the trial court order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(g). We affirm.

This Court reviews the trial court's findings of fact in termination proceedings for clear error. MCR 3.977(K); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005). If the trial court finds that there are grounds for termination of parental rights and that termination of parental rights is in the children's best interests, the court must order termination of parental rights and order that additional efforts for reunification of the children with the parent not be made. MCL 712A.19(b)(5).

The trial court did not clearly err when it terminated respondent's parental rights to the six children pursuant to MCL 712A.19b(3)(g). When the minor children came into his care because of their mother's long history of physical neglect, respondent was living in Iowa and did not have contact with his children. He does not challenge jurisdiction nor raise claims of error regarding notice despite testimony that he did not learn of the children being removed from their mother's home until July 2009. It was not until a year after the children were removed from their mother's home that respondent first appeared in court. He entered into a parent agency agreement designed to address his issues of alcohol abuse, parenting skills, and lack of housing and income. Respondent participated in substance abuse treatment but was not consistent with his drug/alcohol screens, missing 19 of 40 screens in 2010. He did not appear to benefit from parenting classes because he was not consistent with attendance at parenting time and did not engage the children during visitation. He lived with his parents and did not make the necessary repairs to the home in order to have the children placed with him there despite being given a specific list of needed repairs and a generous deadline by which to complete them by the court. Respondent did not have a source of income and testified that he was able to live on "blessings." His initial plan for the children was that they be placed with relatives while he moved back to

Iowa to look for work. At the termination hearing, he testified that he was planning to stay in Michigan but had no specific plan for income.

There is no question that respondent did not provide proper care or custody before the children were removed from their mother's home. He did not even know that they had been placed in the temporary care of the court for a year. At the time of the termination hearing, respondent did not have appropriate housing or income, did not engage in appropriate parenting behavior, and had not adequately addressed his issue with alcohol. Respondent was in no better position to provide proper care or custody for his children than when they first appeared in court.

The trial court also did not clearly err in its best-interest determination. The court recognized the importance of respondent's parental rights but found that the children's right to permanence and stability outweighed those rights. The children deserve a permanent, stable, consistent environment in which the adults caring for them appropriately parent them and address their needs. This was even more critical given the special needs of four of the children, who were designated as cognitively impaired or as learning disabled.

Affirmed.

/s/ Deborah A. Servitto

/s/ Mark J. Cavanagh

/s/ Cynthia Diane Stephens